

STATE OF ALASKA

TONY KNOWLES, GOVERNOR

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RECEIVED REGULATORY COMMISSION OF ALASKA

NOV 28 2000

November 22, 2000

NOV 28 2000

RE: CC Docket No. 94-129
RCA Docket R-00-6
LO001084

Magaie Roman Salas
FCC Secretary
Office of the Secretary
Federal Communications Commission
445 Twelfth Street, S.W., TW-A325
Washington, D.C. 20554

Dear Ms. Salas:

At a Special Public Meeting held October 26, 2000, the Regulatory Commission of Alaska (RCA) elected to take primary responsibility for resolving Alaska consumers' slamming complaints (including interstate and international toll). However, under Alaska law, in order to implement the FCC's slamming rules we must adopt regulations to effect that implementation. We must also repeal our existing slamming regulations, which, to some extent, conflict with the FCC rules. We anticipate that our regulations project will take approximately six months to complete. We will forward you a copy of our proposed slamming regulations under separate cover as soon as we have finalized them.¹

No. of Copies rec'd 0
List A B C D E

¹Please note that this opt-in process is the same as those for which the FCC has received from this agency re our authority over pole-attachments and re our program for regulating telecommunications relay service in Alaska.

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Once our new slamming regulations have been adopted, we will notify the FCC that our administration of the FCC's slamming rules is in effect. To assist the FCC in determining what procedures will be in place in Alaska, we are providing herein the information required by 47 C.F.R. §§ 64.1100 and the FCC's May 3, 2000, Order, ¶ 29.

Complaint Process

Method of Filing:

Consumers may contact our Consumer Protection Section regarding their slamming complaints by letter, fax, online electronic complaint form or telephone call to the Commission.

Location of Filing:

Mailing address: Regulatory Commission of Alaska
Consumer Protection Section
1016 West Sixth Avenue, Suite 400
Anchorage, Alaska 99501

Toll-free consumer complaints phone
numbers (within Alaska):

Outside of Anchorage	1-800-390-2782
In Anchorage	1-907-276-6222
Fax phone number:	1-907-276-0160
Internet Online complaint form:	[http://www.cp_mail@rca.state.ak.us]

Filing Fees:

None

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Documentation Consumer Must Provide:

RCA Staff will request a copy of the page of the consumer's telephone bill that contains the alleged unauthorized carrier's charges. An investigator will contact the alleged unauthorized carrier and request proof that, prior to switching the consumer, the carrier obtained authorization from the consumer; or other applicable statement.

Procedure (Safeguards, Deadlines, Appeal Rights):

The alleged unauthorized carrier will be required to respond to the complaint investigator within thirty days after notification of the complaint. The allegedly unauthorized carrier will be required to remove all unpaid charges from a subscriber's bill pending a determination of whether an unauthorized charge has occurred – if it has not already done so. Upon receipt of the carrier's proof of authorization, typically either a tape-recorded independent third-party verification or a letter of authorization (LOA), the investigator will listen to the tape or read the LOA in order to determine if the verification complies with state law and our regulations. Any evidence supplied by the consumer will also be taken into account.

If the investigator determines the carrier verification provided by the carrier complies with state law, the consumer is notified that we found no slam occurred. If the investigator determines the verification was inadequate, then the carrier and consumer are informed that a slam did occur and, in accordance with 47 U.S.C. § 258 (b),² both the federal and state remedies apply. If the carrier fails to provide proof of authorization or does not respond to the complaint at all, the investigator will determine that a slam did occur and notify the carrier and consumer of that finding.

²Section 258(b) specifically states that the federal procedures created to implement subsection (b)'s remedies for slamming, as prescribed in the FCC's rules, are "in addition to any other remedies available by law." After conducting a show-cause hearing, state statutes allow the RCA to impose civil penalties of \$100 per day for each violation, with each day's continuance of a violation considered a separate offense. See AS 42.05.571, .581. The RCA will only consider imposing the civil penalties allowed under state law where a utility has repeatedly been found in violation of the FCC's slamming rules.

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COMMUNICATIONS SECTION

FCC-State Coordination:

Reporting: The RCA Consumer Protection staff will enter each slamming complaint that is investigated into our complaint database. In accordance with ¶ 34 of the FCC's May 3, 2000 Order, we agree to regularly file information with the FCC that details slamming activity in our State to facilitate joint enforcement activities.

Coordination: The primary contact for the FCC for coordination of FCC complaint referrals and State reporting is


Agnes Pitts, Chief, Consumer Protection Section
Phone: (907) 276-6222, extension 134
Fax: (907) 276-0160
email: agnes_pitts@rca.state.ak.us.

Once our regulations adopting the FCC's slamming rules are in effect, we will notify the FCC of our authority to enforce and administer the FCC's rules for slamming allegations involving Alaskan consumers. The RCA looks forward to working with the FCC to eradicate slamming.

BY DIRECTION OF THE COMMISSION

Sincerely,

REGULATORY COMMISSION OF ALASKA


G. Nanette Thompson, Chair

cc: FCC Consumer Information Bureau Chief